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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ROBERT G. LANE et al.

Serial No.: 09/688,784

Group Art Unit: 2664

Filed: October 16, 2000

Examiner: not known

For: Information Network Virtual Backplane

Attorney Docket No.: 99-002-NSC (STK99002PUS)

**PETITION UNDER 37 C.F.R. § 1.47(a)
FILING WHEN A JOINT INVENTOR
REFUSES TO SIGN**

RECEIVED

APR 04 2001

OFFICE OF PETITIONS

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. § 1.47(a), Applicant Robert G. Lane, having duly executed both a Declaration and an Assignment of interest in the above-mentioned patent application to Storage Technology Corporation (StorageTek), petitions for acceptance of filing of the above-mentioned patent application. Joint inventors Mark A. Bakke and Timothy J. Kuik have refused to sign either a Declaration or an Assignment.

Following are facts pertinent to this Petition. Proof of these facts is provided by the accompanying Declaration of Facts, signed by Mark D. Chuey.

1. Mark Bakke and Timothy Kuik work for Cisco Systems, Inc. (Cisco), which is involved in litigation against the assignee, StorageTek.
2. Mark Bakke and Timothy Kuik were sent draft copies of the above-mentioned patent application on September 28, 2000. Mr. Kuik electronically mailed comments about the draft to Mark Chuey on October 19, 2000.

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130.00 OP

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Attention Group Director, Group 2821, Commissioner for Patents, United States Patent and Trademark Office, Washington, D.C. 20231 on:

March 28, 2001
Date of DepositAngelika Phillips
Name of Person SigningAngelika Phillips
Signature

3. Mark Bakke and Timothy Kuik were mailed copies of the above-mentioned patent application, together with a declaration and assignment, on December 28, 2000.
4. Joe Hammell, who identified himself as an attorney with Dorsey & Whitney, LLP representing Cisco, telephoned Mark Chuey on January 19, 2001. Mr. Hammell asked Mr. Chuey to have no further contact with any former StorageTek employee now working for Cisco. Mr. Hammell also indicated that he would send a letter indicating that no former StorageTek employee currently working for Cisco would sign any document related to a StorageTek patent application.
5. When no letter was received, Mark Chuey sent a letter to Joe Hammell on February 23, 2001 summarizing their telephone conversation, including the understanding that Timothy Kuik and Mark Bakke refused to sign any declaration or assignment.
6. Mr. Hammell responded by letter on March 2, 2001 stating that Mr. Kuik and Mr. Bakke "were not willing to execute the particular Declarations and Assignments [that Mr. Chuey] had sent them, in part because of concerns on their part that such documents contained possibly inaccurate information." Mr. Hammell did not elaborate on what Mr. Kuik and Mr. Bakke believed to be inaccurate.
7. The last known address for Mark Bakke is as follows:

Mark A. Bakke
11738 Gentilly Road
Maple Grove, MN 55369

8. The last known address for Timothy Kuik is as follows:

Timothy J. Kuik
743 Country Lakes Drive
Lino Lakes, MN 55014

A check in the amount of \$130 is enclosed to cover the fee under 37 C.F.R. § 1.17(i). Please charge any additional fees or credit any overpayment as a result of filing this paper to Deposit Account No. 02-3978. A duplicate copy of this Petition is enclosed for that purpose.

Respectfully submitted,

Robert G. Lane

By: 

Mark D. Chuey
Reg. No. 42,415
Attorney/Agent for Applicant

Date: March 28, 2001

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